IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.7728 OF 2004

Shri Dhondiba Yamanaji Kokane — Petitioner

Vs.

Convervator of Forests,
Pune Vrut, Pune & anr. — Respondents

Mr.Shiva D. Patil for petitioner.
Mr.D.A.Patil, AGP for respondents.

CORAM: B.H.MARLAPALLE,J.
June 10, 2005.

ORAL ORDER:

1. Heard Mr.Patil, the learned counsel for the petitioner and Mr.Patil, the learned AGP.

2. The petitioner-complainant had approached the Industrial Court at Pune by filing complaint of unfair labour practice under Items 5, 6, 9 and 10 of Schedule IV of the MRTU & PULP Act, 1971 read with Section 28(1) of the said Act and claimed that on his completion of 240 days of service in a year he was entitled for the benefits as applicable to a regular employee of the Forest Department.

3. The Department filed the reply and denied the allegations of unfair labour practice to the effect

that he was continued for years together by denying the benefits of permanancy etc. It was also pointed out that he was not entitled to the permanancy benefits as well. It appears that the petitioner referred to the G.R. dated 31/1/1996 before the Industrial Court and claimed that on his completion of 240 days in each year during the period of five years prior to the date of filing of the complaint he was entitled for all the benefits which are applicable to a regular employee of the Forest Department. The Industrial Court on perusal of Exhibit C-5 held that on or before 1-11-1994 the petitioner had completed 240 days of service in every year during the period of five years but for the first three years i.e. in the years 1989 to 1991 he had worked under the Employment Guarantee Scheme and, therefore, this period of three years could not be counted to extend the benefits of G.R. dated 31-1-1996 to the petitioner. Consequently the complaint has been dismissed.

4. With the affidavit-in-reply filed by the State Government a copy of the G.R. dated 31-1-1996 has been brought on record and for extending the benefit of the said G.R. the condition nos.1 to 14 have been

set out therein. Condition No.1 in Marathi reads as under:

5. Having regard to this specific condition laid down in the said G.R. dated 31-1-1996 the Industrial Court rightly held that the petitioner was not entitled for benefits of the said G.R. and the Forest Department had not engaged in any act of unfair labour practice as alleged. Hence the petition must fail at the threshold and the same is hereby rejected summarily.

(B.H.MARLAPALLE,J.)